

Panaji, 3rd September, 2009 (Bhadra 12, 1931)

SERIES I No. 23

OFFICIAL GAZETTE

GOVERNMENT OF GOA

NOTE

There are three Extraordinary issues to the Official Gazette, Series I No. 22 dated 27-8-2009 as follows:—

- (1) Extraordinary dated 31-8-2009 from pages 2033 to 2034 regarding Notification from Department of Finance (Revenue and Control Division).
- (2) Extraordinary (No. 2) dated 1-9-2009 from pages 2035 to 2036 regarding Notification from Department of Transport (Directorate of Transport).
- (3) Extraordinary (No. 3) dated 2-9-2009 from pages 2037 to 2042 regarding Notification from Department of Law & Judiciary (Legal Affairs Division).

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2. Finance Debt Management Division Secretary	1-45-2009-Fin(DMU)PF	Market Borrowing Programme of State Governments 2009-10.	2044
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GOVERNMENT OF GOA
Department of Civil Supplies and
Consumer Affairs

**MINISTRY OF CONSUMER AFFAIRS,
FOOD AND PUBLIC DISTRIBUTION**
(Department of Food and Public Distribution)

Notification

DCS/ENF/C.O/SUG/14/161

Order bearing No. SO 531(E) dated 16th July, 2009 issued by the Ministry of Consumer Affairs, Food and Public Distribution, Government of India published in Part II Sec. 3 (i) of the Gazette of India (Extraordinary) dated July 16th, 2009 is hereby republished for the general information of the public.

Sunil Masurkar, Director of Civil Supplies & Consumer Affairs ex officio Joint Secretary.

Panaji, 19th August, 2009.

Order

New Delhi, the 16th July, 2009

G.S.R. 531(E).— In exercise of the powers conferred by Section 3 of the Essential Commodities Act, 1955 (10 of 1955), read with the Clause 5 of the Sugar (Control) Order, 1966, the Central Government hereby directs that no recognized dealer of sugar shall hold any stock of vacuum pan sugar or khandsari (open pan sugar) for a period exceeding thirty days from the date of receipt by him of such stock and shall not keep in stock at any time vacuum pan sugar, in the places mentioned below, in excess of the quantities mentioned against each—

(1) (i) in Kolkata and extended area—

(a) recognized dealers who import sugar from outside West Bengal — 10,000 quintals;

(b) other recognized dealers — 2000 quintals;

(ii) in other places — 2000 quintals.

(2) Khandsari (Open pan sugar) — 2000 quintals:

Provided that nothing in this order shall apply to the holding or keeping of stock of sugar—

(i) on Government account; or

(ii) by the recognized dealers nominated by a State Government or an officer authorized by it to hold stock for distribution through fair price shops; or

(iii) by the Food Corporation of India:

Provided further that the aforesaid stockholding limit or turnover period of stocks will not apply to sugar importers under Open General License.

Further, in exercise of powers conferred by Clause 15 of the said Order, the Central Government authorizes the State Governments or Union Territory Administrations to fix the stockholding and turnover limits in their respective States or Union Territories subject to the following conditions—

(i) the stockholding limit and/or the turnover period shall not be less than the limit or period as being specified above by the Central Government; and

(ii) The stockholding limit of a recognized dealer dealing in retail trade shall be at a level less than that specified for a wholesaler.

Explanation:— For the purpose of this Notification—

(i) “Kolkata and extended area” means the area specified in the schedule to the notification of the Government of West Bengal No. 7752/FS/F.5/14R 92/61 dated the 16th December, 1964; and

(ii) For counting the period of holding of the stock, the date on which, any stock is received by the recognized dealer shall be included.

(iii) When a wholesaler or a retailer of sugar purchases or procures or acquires imported white or refined sugar directly from an importer or importers of sugar, the said wholesaler or retailer shall not be subjected the stockholding limit in respect of such imported stocks of sugar but turnover limit of 30 days shall be applicable. The exemption contained herein shall not be available to the wholesaler or retailer of sugar on second and subsequent sale of such imported stocks of sugar.

(iv) For removal of doubt, it is clarified that when a wholesaler or retailer of sugar purchases or procures or acquires white or refined sugar processed out of imported raw sugar, the said wholesaler or retailer shall be subjected to stockholding limit and turnover limit.

2. This Order shall come into force immediately in respect of sugar (vacuum pan process) and with regard to Khandsari (open pan sugar) after fifteen days of its publication in the Official Gazette and shall remain in force for a period of six months thereafter.

[No. 1-17/98-SPY.D.II]
N. SANYAL, Jt. Secy.



Department of Finance

Debt Management Division

Notification

1-45-2009-Fin(DMU)PF

Government of Goa hereby notifies the sale of Goa Government Stock (securities) of 10-year tenure for an aggregate amount of Rs. 200.00 crore (Nominal). The sale will be subject to the terms and conditions spelt out in this notification (called specific notification) as also the terms and conditions specified in the General Notification No.1-45-2005-Fin (Bud) dated July 18, 2007 of Government of Goa.

Object of the Loan

1. (i) The proceeds of the loans will be utilized for financing capital expenditure in connection with the development programmes of the Government of Goa.

(ii) Consent of Central Government has been obtained to the floatation of this loan as required by Article 293(3) of the Constitution of India.

Method of issue

2. Government stock will be sold through the Reserve Bank of India, Mumbai Office (PDO) Fort, Mumbai-400 001 by auction in the manner as prescribed in paragraph 6.1 of the General Notification No. 1-45-2005-Fin (Bud) dated July 18, 2007 at a coupon rate to be determined by the Reserve Bank of India at the yield based auction under multiple price format.

Allotment to Non-competitive Bidders

3. The Government Stock up to 10% of the notified amount of the same will be allotted to eligible individuals and institutions subject to a maximum limit of 1% of the notified amount for a single bid as per the Revised Scheme for Non-competitive Bidding Facility in the Auctions of State Government Securities of the General Notification. (Annexure-II)

Place and Date of Auction

4. The auction will be conducted by the Reserve Bank of India, at its Mumbai Office, Fort, Mumbai-400 001 on August 25, 2009. Bids for the auction should be submitted in electronic format, on the Negotiated Dealing System (NDS) as stated below on August 25, 2009.

(a) The competitive bids shall be submitted electronically on the Negotiated Dealing System (NDS) between 10:30 a.m. and 12:30 p. m.

(b) The non-competitive bids shall be submitted electronically on the Negotiated

Dealing System (NDS) between 10.30 a.m. and 11.30 a.m.

Result of the Auction

5. The result of the auction shall be displayed by the Reserve Bank of India on its website on the same day. The payment by successful bidders will be on August 26, 2009.

Method of Payment

6. Successful bidders will make payments on August 26, 2009 before close of banking hours by means of cash, bankers' cheque/pay order, demand draft payable at Reserve Bank of India, Mumbai/Mumbai or a cheque drawn on their account with Reserve Bank of India, Mumbai(Fort)/Mumbai.

Tenure

7. The stock will be of ten-year tenure. The tenure of the Stock will commence on **August 26, 2009.**

Date of Repayment

8. The loan will be repaid at par on August 26, 2019.

Rate of Interest

9. The cut-off yield determined at the auction will be the coupon rate percent per annum on the Stock sold at the auction. The interest will be paid every half yearly on February 26 and August 26.

Eligibility of Securities

10. The Investment in Government Stock will be reckoned as an eligible Investment in Government Securities by banks for the purpose of Statutory Liquidity Ratio (SLR) under Section 24 of the Banking Regulation Act, 1949. The stocks will qualify for the ready forward facility.

By order and in the name of the Governor of Goa.

Uddipta Ray, Secretary (Finance).

Porvorim 21st August, 2009.

Annex II**Scheme for Non-competitive Bidding Facility in the Auctions of State Government Securities (Revised)****I. Objective**

With a view to encouraging wider participation and retail holding of Government securities, it is proposed to allow participation of eligible individuals and institutions on “**non-competitive**” basis in the auctions of State Government securities. Accordingly, non-competitive bids **up to 10 percent** of the notified amount will be accepted in the auctions of State Government securities. The reserved amount will be **within** the notified amount.

II. Eligibility

Participation on a non-competitive basis in the auctions of State Government securities will be open to investors who satisfy the following:

(i) do not maintain current account (CA) or Subsidiary General Ledger (SGL) account with the Reserve Bank of India.

Exceptions: Regional Rural Banks (RRBs) and Co-operative Banks shall be covered under this Scheme in view of their statutory obligations.

(ii) make a single bid for an amount not more than **1 per cent** of notified amount (face value) per auction.

(iii) submit their bid through any one bank or PD offering this scheme.

Exceptions: Regional Rural Banks (RRBs) and Co-operative Banks that maintain SGL account and current account with the Reserve Bank of India shall be eligible to submit their non competitive bids directly.

III. Coverage

Subject to the conditions mentioned above, participation on “non-competitive” basis is open to

any person including firms, companies, corporate bodies, institutions, provident funds, trusts, and any other entity as may be prescribed by RBI. The minimum amount for bidding will be Rs. 10,000 (face value) and thereafter in multiples in Rs.10,000 as hitherto for investment in State Government securities.

IV. Other Operational Guidelines

1. It will *not* be mandatory for the retail investor to maintain a “Gilt Account” under Constituent Subsidiary General Ledger (CSGL facility) with the bank or PD through whom they wish to participate. However, an investor can make only a single bid under this scheme. An undertaking to the effect that the investor is making only a single bid will have to be obtained and kept on record by the bank or PD.

2. Each bank or PD on the basis of firm orders received from their constituents will submit a single consolidated non-competitive bid on behalf of all its constituents in electronic format on the Negotiated Dealing System (NDS). Except in extraordinary circumstances such as general failure of the NDS system, non-competitive bid in physical form will not be accepted.

3. Allotment under the non-competitive segment to the bank or PD will be at the **weighted average rate of yield/price** that will emerge in the auction on the basis of the competitive bidding. The securities will be issued to the bank or PD against payment on the date of issue irrespective of whether the bank or PD has received payment from their clients.

4. In case the aggregate amount of bid is **more than the reserved amount** (i.e. 10 per cent of notified amount), pro rata allotment would be made. In case of partial allotments, it will be the responsibility of the bank or PD to appropriately allocate securities to their clients in a transparent manner.

5. In case the aggregate amount of bids is **less than the reserved amount**, the shortfall will be taken to competitive portion of the notified amount.

6. Security would be issued *only* in SGL form by RBI. RBI would credit either the main SGL account or the CSGGL account of the bank or PD as indicated by them. The facility for affording credit to the main SGL account is for the sole purpose of servicing investors who are not their constituents. Therefore, the bank or PD would have to indicate clearly at the time of tendering the non-competitive bids the amounts (*face value*) to be credited to their SGL account and the CSGGL account. Delivery in physical form from the main SGL account is permissible at the instance of the investor subsequently.

7. It will be the responsibility of the bank or the PD to pass on the securities to their clients. Except in extraordinary circumstances, the transfer of securities to the clients shall be completed within *five* working days from the date of issue.

8. The bank or PD can recover up to **six paise per Rs. 100 as brokerage/commission/service charges** for rendering this service to their clients. However, such costs may be recovered and accounted for separately from the clients and should not be built into the price. In case the transfer of securities is effected subsequent to the issue date of the security, the consideration amount payable by the client to the bank or PD would also include accrued interest from the date of issue.

9. Modalities for obtaining payment from clients towards cost of the securities, accrued interest wherever applicable and brokerage/commission/ /service charges may be worked out by the bank or PD as per agreement with the client. It may be noted that no other costs such as funding costs should be built into the price or recovered from the client.

10. Banks and PDs will be required to furnish information relating to operations under the Scheme

to the Reserve Bank of India (Bank) as may be called for from time to time within the time frame prescribed by the Bank.

V. Review of the Scheme

The aforesaid guidelines are subject to **review by the Bank** and accordingly, if and when considered necessary, the Scheme will be modified in consultation with the State Governments.



Department of Law & Judiciary

Legal Affairs Division

Notification

10/1/2009-LA/240

The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009 (Central Act No. 23 of 2009), which has been passed by Parliament and assented to by the President of India on 16-3-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 16-3-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE HIGH COURT AND SUPREME COURT JUDGES (SALARIES AND CONDITIONS OF SERVICE) AMENDMENT ACT, 2009

AN

ACT

further to amend the High Court Judges (Salaries and Conditions of Service) Act, 1954

and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title and commencement.*— (1) This Act may be called the High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Act, 2009.

(2) Sections 2, 3, 4, 7, 8, 9, 10 and 13 shall be deemed to have come into force on the 1st day of January, 2006 and the remaining provisions of this Act shall be deemed to have come into force on the 1st day of September, 2008.

CHAPTER II

Amendment of the High Court Judges (Salaries and Conditions of Service) Act, 1954

2. *Amendment of section 13A.*— In the High Court Judges (Salaries and Conditions of Service) Act, 1954 28 of 1954. (hereinafter referred to as the High Court Judges Act), in section 13A,—

(a) in sub-section (1), for the words “thirty thousand rupees per mensem”, the words “ninety thousand rupees per mensem” shall be substituted;

(b) in sub-section (2), for the words “twenty-six thousand rupees per mensem”, the words “eighty thousand rupees per mensem” shall be substituted.

3. *Amendment of section 17A.*— In section 17A of the High Court Judges Act, in sub-section (1),—

(a) the words “plus fifty per cent. of his dearness pay” shall be omitted;

(b) the words “plus thirty per cent. of his dearness pay subject to a minimum of one

thousand nine hundred and thirteen rupees per month” shall be omitted.

4. *Insertion of new section 17B.*— After section 17A of the High Court Judges Act, the following section shall be inserted, namely:—

“17B. *Additional quantum of pension or family pension.*— Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:—

Age of Pensioner or Family Pensioner	Additional quantum of pension or family pension
From eighty years to less than eighty-five years	Twenty per cent. of basic pension or family pension.
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension.
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension.
From ninety-five years to less than hundred years	Fifty per cent. of basic pension or family pension.
From hundred years or more	Hundred per cent. of basic pension or family pension.”.

5. *Amendment of section 22A.*— In section 22A of the High Court Judges Act, in sub-section (2), the words “plus thirty per cent. of the dearness pay” shall be omitted.

6. *Amendment of section 22C.*— In the High Court Judges Act, for section 22C, the following section shall be substituted, namely:—

“22C. *Sumptuary allowance.*— The Chief Justice and each of the other Judges of every High Court shall be entitled to a sumptuary allowance of fifteen thousand rupees per month and twelve thousand rupees per month respectively.”.

7. *Amendment of First Schedule.*— In the First Schedule to the High Court Judges Act,—

(a) in Part 1,—

(i) in paragraph 2,—

(A) in clause (a), for the letters and figures “Rs. 21,945”, the letters and figures “Rs. 43,890” shall be substituted;

(B) in clause (b), for the letters and figures “Rs. 16,725”, the letters and figures “Rs. 34,350” shall be substituted;

(C) in the proviso, for the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000”, the letters and figures “Rs. 5,40,000” and “Rs. 4,80,000” shall, respectively, be substituted;

(ii) in paragraph 8, for the letters and figures “Rs. 2,70,000”, the letters and figures “Rs. 5,40,000” shall be substituted;

(iii) in paragraph 9, for the letters and figures “Rs. 76,785”, the letters and figures “Rs. 1,57,670” shall be substituted;

(b) in Part II,—

(i) in the proviso to paragraph 2, for the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000”, the letters and figures “Rs. 5,40,000” and “Rs. 4,80,000” shall, respectively, be substituted;

(ii) in paragraph 3, for the figures “16,898”, “20,280”, “23,649”, “27,033”, “30,420” and “33,799”, the figures “34,696”, “41,642”, “48,559”, “55,508”, “62,462” and “69,402” shall, respectively, be substituted;

(c) in Part III, in paragraph 2,—

(A) in clause (b), for the letters and figures “Rs. 7,800”, the letters and figures “Rs. 16,020” shall be substituted;

(B) in the proviso, for the letters and figures “Rs. 2,70,000” and “Rs. 2,34,000”, the letters and figures “Rs. 5,40,000” and “Rs. 4,80,000” shall, respectively, be substituted.

CHAPTER III

Amendment of the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958

8. *Amendment of section 12A.*— In the Supreme Court Judges (Salaries

and Conditions of Service) Act, 1958 41 of 1958. (hereinafter referred to as the Supreme Court Judges Act), in section 12A,—

(a) in sub-section (1), for the words “thirty-three thousand rupees per mensem”, the words “one lakh rupees per mensem” shall be substituted;

(b) in sub-section (2), for the words “thirty thousand rupees per mensem”, the words “ninety thousand rupees per mensem” shall be substituted.

9. *Amendment of section 16A.*— In section 16A of the Supreme Court Judges Act, in sub-section (1),—

(i) in clause (a), the words “plus fifty per cent. of his dearness pay” and “plus thirty per cent. of his dearness pay” shall be omitted;

(ii) in clause (b), the words “plus thirty per cent. of his dearness pay” shall be omitted.

10. *Insertion of new section 16B.*— After section 16A of the Supreme Court Judges Act, the following section shall be inserted, namely:—

“16B. *Additional quantum of pension of family pension.*— Every retired Judge or after his death, the family, as the case may be, shall be entitled to an additional quantum of pension or family pension in accordance with the following scale:—

Age of Pensioner or Family Pensioner	Additional quantum of pension or family pension
1	2
From eighty years to less than eighty-five years	Twenty per cent. of basic pension or family pension.
From eighty-five years to less than ninety years	Thirty per cent. of basic pension or family pension.
From ninety years to less than ninety-five years	Forty per cent. of basic pension or family pension.

1	2
From ninety-five years to less than hundred years	Fifty per cent. of basic pension or family pension.
From hundred years or more	Hundred per cent. of basic pension or family pension."

11. *Amendment of section 23.*— In section 23 of the Supreme Court Judges Act, in sub-section (1A), the words "plus thirty per cent. of the dearness pay" shall be omitted.

12. *Amendment of section 23B.*— In section 23B of the Supreme Court Judges Act, for the words "ten thousand" and "seven thousand five hundred", the words "twenty thousand" and "fifteen thousand" shall, respectively, be substituted.

13. *Amendment of Schedule.*— In the Schedule to the Supreme Court Judges Act,—

(a) in Part I,—

(i) in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 6,030", "Rs. 1,82,820" and "Rs. 15,360", the letters and figures "Rs. 12,180", "Rs. 3,69,300" and "Rs. 31,030" shall, respectively, be substituted;

(B) in the proviso, for the letters and figures "Rs. 2,97,000", the letters and figures "Rs. 6,00,000" shall be substituted;

(ii) in the proviso to paragraph 3, for the letters and figures "Rs. 2,70,000", the letters and figures "Rs. 5,40,000" shall be substituted;

(b) in Part II, in paragraph 2, in clause (b), for the letters and figures "Rs. 16,898", the letters and figures "Rs. 33,795" shall be substituted;

(c) in Part III, in paragraph 2,—

(A) in clause (b), for the letters and figures "Rs. 7,800", the letters and figures "Rs. 16,020" shall be substituted;

(B) in the proviso, for the letters and figures "Rs. 2,97,000" and "Rs. 2,70,000", the letters and figures "Rs. 6,00,000" and "Rs. 5,40,000" shall, respectively, be substituted.

CHAPTER IV

Transitional Provision

14. *Arrears.*— The difference of salary, pension and family pension payable to a Judge of High Court or to his family, as the case may be, under the High Court Judges Act or a Judge of the Supreme Court or his family, as the case may be, under the Supreme Court Judges Act as amended by this Act and the salary, pension or family pension payable to such Judge or his family, as the case may be, but for this Act shall be paid in two instalments, the first instalment of forty per cent. to be paid during the current financial year 2008-09 and the remaining sixty per cent. to be paid in the financial year 2009-10.

15. *Repeal and saving.*— (1) The High Court and Supreme Court Judges (Salaries and Conditions of Service) Amendment Ordinance, Ord. 1 of 2009 is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958 as amended by the said Ordinance shall be deemed to have been done or taken under the High Court Judges (Salaries and Conditions of Service) Act, 1954 and the Supreme Court Judges (Salaries and Conditions of Service) Act, 1958, as amended by this Act.

Notification

10/1/2009-LA/241

The National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 (Central Act No. 24 of 2009), which has been passed by Parliament and assented to by the President of India on 16-3-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 16-3-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE NATIONAL CAPITAL TERRITORY
OF DELHI LAWS (SPECIAL
PROVISIONS) ACT, 2009

AN

ACT

to make special provisions for the National Capital Territory of Delhi for a further period up to the 31st day of December, 2009 and for matters connected therewith or incidental thereto.

Whereas there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan of Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

And Whereas the Master Plan of Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

And Whereas the Master Plan of Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

And Whereas a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021;

And Whereas based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and its extension, the guidelines and regulations for this purpose have been issued;

And Whereas more time is required for orderly implementation of scheme regarding hawkers and urban street vendors and for regularisation of unauthorised colonies, village *abadi* area and its extension;

And Whereas the revised policy and orderly arrangements for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri* clusters in the National Capital Territory of Delhi is under consideration of the Government;

And Whereas policy regarding existing farm houses involving construction beyond permissible building limits, schools, dispensaries, religious institutions and cultural institutions and storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land is under consideration of the Central Government;

And Whereas the National Capital Territory of Delhi Laws (Special Provisions) Act, 2007 was enacted on 43 of 2007. the 5th day of December, 2007 to make special provisions for the areas of National Capital Territory of Delhi for a period up to the 31st day of December, 2008 and has ceased to

operate after the 31st day of December, 2008;

And Whereas it is expedient to have a law in terms of the Master Plan of Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2009 to provide temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title, extent, commencement and duration.*— (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the 1st day of January, 2009.

(4) It shall cease to have effect on the 31st day of December, 2009, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall 10 of 1897. apply as if this Act had then been repealed by a Central Act.

2. *Definitions.*— (1) In this Act, unless the context otherwise requires,—

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made 66 of 1957. under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Punjab Act Municipal Act, 1911, as in force in 3 of 1911. New Delhi or the regulations made under sub-section (1) of section 57

of the Delhi Development Act, 1957, relating to buildings; 61 of 1957.

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) “encroachment” means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) “local authority” means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, 66 of 1957. or the New Delhi Municipal Council established under the New Delhi Municipal Council Act, 1994 44 of 1994. or the Delhi Development Authority established under the Delhi Development Act, 1957, 61 of 1957. legally entitled to exercise control in respect of the areas under their respective jurisdiction;

(e) “Master Plan” means the Master Plan for Delhi with the perspective for the year 2021, notified vide notification number S.O.141(E), dated the 7th February, 2007, under the Delhi Development Act, 1957; 61 of 1957.

(f) “notification” means a notification published in the Official Gazette;

(g) “punitive action” means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) “relevant law” means in case of—

(i) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

(i) “unauthorised development” means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994. 61 of 1957. 66 of 1957. 44 of 1994.

3. *Enforcement to be kept in abeyance.*— (1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompr*i clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area (including urban villages) and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for

agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

(a) policy for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompr*i clusters in accordance with the provisions of the Master Plan of Delhi, 2021 to ensure development of Delhi in a sustainable, planned and humane manner;

(b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan of Delhi, 2021;

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village *abadi* area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo*—

(i) as on the 1st day of January, 2006, in respect of encroachment or unauthorised development; and

(ii) in respect of unauthorised colonies, village *abadi* area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1), shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2009.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2009, withdraw the exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. *Provisions of this Act not to apply in certain cases.*— During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and *Jhuggi-Jhompri* dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. *Power of Central Government to give directions.*— The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

6. *Validation of acts done or omitted to be done, etc., during 1st January, 2009 up to the date of commencement of this Act.*— Notwithstanding any judgment, decree or order of any court, all things done, or omitted,

to be done, and all action taken, or, not taken, during the period beginning on or after the 1st day of January, 2009 and ending immediately before the date of commencement of this Act, shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period.

Notification

10/1/2009-LA/243

The Finance Act, 2009 (Central Act No. 26 of 2009) which has been passed by Parliament and assented to by the President of India on 20-3-2009 and published in the Gazette of India, Extraordinary, Part II, Section 1 dated 20-3-2009, is hereby published for general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th July, 2009.

THE FINANCE ACT, 2009

AN

ACT

to continue the existing rates of income-tax for the financial year 2009-10.

Be it enacted by Parliament in the Sixtieth Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Finance Act, 2009.

(2) Section 2 shall come into force on the 1st day of April, 2009.

2. *Income-tax.*— The provisions of section 2 of, and the First Schedule

to, the Finance Act, 2008, shall apply 18 of 2008. in relation to income-tax for the assessment year or, as the case may be, the financial year commencing on the 1st day of April, 2009, as they apply in relation to income-tax for the assessment year or, as the case may be, the financial year commencing on the 1st day of April, 2008, with the following modifications, namely:—

(a) in section 2,—

(i) for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Subject to the provisions of sub-sections (2) and (3), for the assessment year commencing on the 1st day of April, 2009, income-tax shall be charged at the rates specified in Part I of the First Schedule and such tax shall be increased by a surcharge, for purposes of the Union, calculated in each case in the manner provided therein.”;

(ii) in sub-section (2),—

(A) in the opening portion and in clause (a) and sub-clause (ii) of clause (b), for the words “one lakh ten thousand rupees”, the words “one lakh fifty thousand rupees” shall be substituted;

(B) in the first proviso,—

(I) for the words ““one lakh ten thousand rupees””, the words ““one lakh fifty thousand rupees”” shall be substituted;

(II) for the words ‘ “one lakh forty-five thousand rupees”’ the words ‘ “one lakh eighty thousand rupees”’ shall be substituted;

(C) in the second proviso,—

(I) for the words ‘ “one lakh ten thousand rupees”’ the words ‘ “one lakh fifty thousand rupees”’ shall be substituted;

(II) for the words ‘ “one lakh ninety-five thousand rupees”’ the words ““two lakh twenty-five thousand rupees”” shall be substituted;

(D) in the third proviso, the words, figures and letter “,as reduced by the amount of rebate of income-tax calculated under Chapter VIII-A of the Income-tax Act,” shall be omitted;

(iii) in sub-section (3), in the opening portion, for the words “the Income-tax Act”, the words, figures and brackets “the Income-tax Act, 1961 (hereinafter referred 43 of 1961. to as the Income-tax Act)” shall be substituted;

(iv) in sub-section (13), in clause (a), for the figures “2008”, the figures “2009” shall be substituted;

(b) in the First Schedule,—

(i) for Part I, the following Part shall be substituted, namely:—

“PART I

Income-Tax

Paragraph A

(I) In the case of every individual other than the individual referred to in items (II) and (III) of this Paragraph or Hindu undivided family or association of persons or body of individuals, whether incorporated or not, or every artificial juridical person referred to in sub-clause (vii) of clause (31) of section 2 of the Income-tax Act, not being a case to which any other Paragraph of this Part applies,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 1,50,000 | Nil; |
| (2) where the total income exceeds Rs. 1,50,000 but does not exceed Rs. 3,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,50,000; |
| (3) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 | Rs. 15,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 3,00,000; |
| (4) where the total income exceeds Rs. 5,00,000 | Rs. 55,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 5,00,000. |

(II) In the case of every individual, being a woman resident in India, and below the age of sixty-five years at any time during the previous year,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 1,80,000 | Nil; |
| (2) where the total income exceeds Rs. 1,80,000 but does not exceed Rs. 3,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 1,80,000; |
| (3) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 | Rs. 12,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 3,00,000; |
| (4) where the total income exceeds Rs. 5,00,000 | Rs. 52,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 5,00,000. |

(III) In the case of every individual, being a resident in India, who is of the age of sixty-five years or more at any time during the previous year,—

Rates of income-tax

- | | |
|--|---|
| (1) where the total income does not exceed Rs. 2,25,000 | Nil; |
| (2) where the total income exceeds Rs. 2,25,000 but does not exceed Rs. 3,00,000 | 10 per cent. of the amount by which the total income exceeds Rs. 2,25,000; |
| (3) where the total income exceeds Rs. 3,00,000 but does not exceed Rs. 5,00,000 | Rs. 7,500 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 3,00,000; |
| (4) where the total income exceeds Rs. 5,00,000 | Rs. 47,500 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 5,00,000. |

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall,—

(i) in the case of every individual or Hindu undivided family or association of persons or body of individuals having a total income exceeding ten lakh rupees, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax;

(ii) in the case of every person, other than those mentioned in item (i), be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in case of persons mentioned in item (i) above having a total income exceeding ten lakh rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of ten lakh rupees by more than the amount of income that exceeds ten lakh rupees.

Paragraph B

In the case of every co-operative society,—

Rates of income-tax

- | | |
|--|--|
| (1) where the total income does not exceed Rs. 10,000 | 10 per cent. of the total income; |
| (2) where the total income exceeds Rs. 10,000 but does not exceed Rs. 20,000 | Rs. 1,000 <i>plus</i> 20 per cent. of the amount by which the total income exceeds Rs. 10,000; |
| (3) where the total income exceeds Rs. 20,000 | Rs. 3,000 <i>plus</i> 30 per cent. of the amount by which the total income exceeds Rs. 20,000. |

Paragraph C

In the case of every firm,—

Rate of income-tax

On the whole of the total income	30 per cent.
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Surcharge on income-tax

The amount of income-tax computed at the rate hereinbefore specified, or in section 111A or section 112, shall, in the case of every firm having a total income exceeding one crore rupees, be increased by a surcharge for purposes of the Union calculated at the rate of ten per cent. of such income-tax:

Provided that in the case of every firm having a total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.

Paragraph D

In the case of every local authority,—

Rate of income-tax

On the whole of the total income	30 per cent.
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Paragraph E

In the case of a company,—

Rates of income-tax

I. In the case of a domestic company 30 per cent. of the total income;

II. In the case of a company other than a domestic company—

(i) on so much of the total income as consists of,—

(a) royalties received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 31st day of March, 1961 but before the 1st day of April, 1976; or

(b) fees for rendering technical services received from Government or an Indian concern in pursuance of an agreement made by it with the Government or the Indian concern after the 29th day of February, 1964 but before the 1st day of April, 1976,

and where such agreement has, in either case, 50 per cent.;
been approved by the Central Government

(ii) on the balance, if any, of the total income 40 per cent.

Surcharge on income-tax

The amount of income-tax computed in accordance with the preceding provisions of this Paragraph, or in section 111A or section 112, shall, in the case of every company, be increased by a surcharge for purposes of the Union calculated,—

(i) in the case of every domestic company having a total income exceeding one crore rupees, at the rate of ten per cent. of such income-tax;

(ii) in the case of every company other than a domestic company having a total income exceeding one crore rupees, at the rate of two and one-half per cent.;

Provided that in the case of every company having a total income exceeding one crore rupees, the total amount payable as income-tax and surcharge on such income shall not exceed the total amount payable as income-tax on a total income of one crore rupees by more than the amount of income that exceeds one crore rupees.”;

(ii) in Part IV, in Rule 8,—

(A) for sub-rules (1) and (2), the following sub-rules shall be substituted, namely:—

“(1) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2009, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment year commencing on the 1st day of April, 2001 or the 1st

day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008, is a loss, then, for the purposes of sub-section (2) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2001, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2002, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2003, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2004, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2005, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2009.

(2) Where the assessee has, in the previous year relevant to the assessment year commencing on the 1st day of April, 2010, or, if by virtue of any provision of the Income-tax Act, income-tax is to be charged in respect of the income of a period other than the previous year, in such other period, any agricultural income and the net result of the computation of the agricultural income of the assessee for any one or more of the previous years relevant to the assessment year commencing on the 1st day of April, 2002 or the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009, is a loss, then, for the purposes of sub-section (10) of section 2 of this Act,—

(i) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2002, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2003 or the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(ii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2003, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2004 or the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(iii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2004, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2005 or the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(iv) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2005, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2006 or the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(v) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2006, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2007 or the 1st day of April, 2008 or the 1st day of April, 2009,

(vi) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2007, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2008 or the 1st day of April, 2009,

(vii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2008, to the extent, if any, such loss has not been set off against the agricultural income for the previous year relevant to the assessment year commencing on the 1st day of April, 2009,

(viii) the loss so computed for the previous year relevant to the assessment year commencing on the 1st day of April, 2009,

shall be set off against the agricultural income of the assessee for the previous year relevant to the assessment year commencing on the 1st day of April, 2010.”;

(B) for sub-rule (4), the following sub-rule shall be substituted, namely:—

“(4) Notwithstanding anything contained in this rule, no loss which has not been determined by the Assessing Officer under the provisions of these rules or the rules contained in Part IV of the First Schedule to the Finance Act, 2001 (14 of 2001), or of the First Schedule to the Finance Act, 2002 (20 of 2002), or of the First Schedule to the Finance Act, 2003 (32 of 2003), or of the First Schedule to the Finance (No. 2) Act, 2004 (23 of 2004), or of the First Schedule to the Finance Act, 2005 (18 of 2005), or of the First Schedule to the Finance Act, 2006 (21 of 2006), or of the First Schedule to the Finance Act, 2007 (22 of 2007), or of the First Schedule to the Finance Act, 2008 (18 of 2008) shall be set off under sub-rule (1) or, as the case may be, sub-rule (2).”.



Department of Personnel

Notification

1/31/74-PER (Vol.VI)

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, read with Section 21 of the General Clauses Act, 1897 (Central Act 10 of 1897), amends the Government of Goa, Goa Medical College, Group ‘C’ and Group ‘D’, Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 1989, published vide Notification No. 1/5/89-PER dated 28-9-1989, in the Official Gazette, Series I No. 45 dated 8-2-1990, as follows, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Government of Goa, Goa Medical College, Group ‘C’ and Group ‘D’, Non-Ministerial, Non-Gazetted posts, Recruitment (Amendment) Rules, 2009.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. *Amendment of Schedule.*— In the Government of Goa, Goa Medical College, Group ‘C’, and Group ‘D’, Non-Ministerial, Non-Gazetted posts, Recruitment Rules, 1989, in the Schedule, for the existing entry at serial No. (9), the following entry shall be substituted, namely:—

9. Junior Technician.	57 (2009) (Subject to variation dependent on workload).	Group 'C', Non-Ministerial Non-Gazetted.	Rs. 4000-100-6000.	Non selection.	Not exceeding 40 years (Relaxable for Government servants upto 5 years in accordance with the instructions or orders issued by the Government).	No.	Essential: (i) B.Sc in Chemistry/Microbiology from a recognized University. (ii) Knowledge of Konkani. <i>Desirable:</i> (i) Diploma in Medical and Laboratory Technology from a recognized University/Institution.	Age. No. Educational qualifications: Yes.	Two years for direct recruits.	25% by promotion, failing which, by direct recruitment, 75% by direct recruitment.	Promotion: Laboratory Assistant /Media Maker with three years regular service in the grade.	Group "C" D.P.C./D.S.C.	N. A.
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By order and in the name of the Governor of Goa.

Yetindra M. Maralkar, Joint Secretary (Personnel).

Porvorim, 16th August, 2009.

www.goagovt.nic.in/gazette.htm

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